

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**RUBY STREETER,**

**Plaintiff,**

**V.**

**OFFICE OF DOUGLAS R.  
BURGESS, LLC and DOUGLAS  
R. BURGESS, ESQ., individually,**

## Defendants.

**CIVIL ACTION NO.:  
1:07-CV-97-WKW**

## MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANTS

COME NOW John W. Scott, and the law firm of Scott Dukes & Geisler, P.C., (hereafter “Movants”) and respectfully request that this Court allow them to withdraw as counsel of record for Defendants Office of Douglas R. Burgess, LLC and Douglas R. Burgess, Esq. (collectively, “Defendants”). In support thereof, Movants show unto the Court the following:

1. Defendants have failed to fulfill obligations to Movants regarding the defense of this case. Defendants have been given reasonable warning that Movants would withdraw unless the obligations were fulfilled by June 1, 2007. Movants gave notice to Defendants of their intent to withdraw as counsel on May 30, 2007, on June 4, 2007, and again on June 11, 2007.

2. Despite Movants' repeated requests that the clients fulfill their

obligations, Defendants have failed to fulfill those obligations.

3. Movants cannot properly defend this matter and defense of this action has been rendered unreasonably difficult by Defendants. Moreover, continued representation will result in an unreasonable financial burden on Movants.

4. Movants' request to withdraw as counsel for Defendants is in compliance with Rule 1.16 of the Alabama Rules of Professional Conduct concerning declining or terminating representation of a client.

5. As the trial of this cause is set for February 28, 2008, Defendants will not be prejudiced by allowing Movants to withdraw as counsel at this time.

6. Movants have served a copy of this Motion on Defendants. Defendants can be served through:

Douglas R. Burgess, Esq.  
DOUGLAS R. BURGESS, LLC  
480 Ridge Road West  
Second Floor  
Rochester, New York 14615

WHEREFORE, PREMISES CONSIDERED, John W. Scott and the law firm of Scott Dukes & Geisler, P.C. respectfully request that they be allowed to withdraw as counsel of record for Defendants Office of Douglas R. Burgess, LLC and Douglas R. Burgess, Esq.

Dated: June 5, 2007

Respectfully submitted,

**OF COUNSEL:**

SCOTT DUKES & GEISLER, P.C.

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/s/ John W. Scott

Bar Number: ASB-1788-T68J

John W. Scott

Counsel for Defendants

DOUGLAS R. BURGESS, LLC and

Douglas R. Burgess, Esq.

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 12, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Gary W. Stout, Esq., David G. Poston, Esq., and Michael D. Brock, Esq.**

In addition, I hereby certify that on June 12, 2007, I served a copy of the foregoing by first class United States Mail, postage prepaid, upon Defendants at the following address:

Douglas R. Burgess, Esq.  
DOUGLAS R. BURGESS, LLC  
480 Ridge Road West  
Second Floor  
Rochester, New York 14615

/s/John W. Scott  
Of Counsel